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Administrator
Enforcement Division
Department of Environmental Quality
1520 E. Sixth Avenue
P. O. Box 200901
Helena, Montana 59620-0901

August 13, 2007

RE: 2007 Cleaning and Demolition Project, Asarco East Helena Smelter,
August 2007 Work Plan Amendment

Dear Ms. Chambers:

On May 18, 2007, Asarco submitted to the Montana Department of Environmental Quality (Department) the 2007 Cleaning and Demolition Project (Work Plan) that describes the management activities for calendar year 2007. On June 13, 2007, the Department tentatively approved the Work Plan. We have been working on finalizing an Administrative Order on Consent, which we expect to have completed in the next few days.

EPA has provided Asarco with verbal approval of the CAMU Phase 2 Design Analysis Report. Within the next few weeks, Asarco expects a confirmatory letter, which we will forward to the Department upon receipt. With the current construction season rapidly diminishing and in consultation with our contractors, Asarco has determined that construction of the CAMU Phase 2 cell cannot take place this year. Even if final written approval was immediate, there is simply not enough construction season available to make meaningful headway towards construction of the CAMU Phase 2 cell. Nonetheless, we are planning to proceed with a select amount of cleaning and demolition, as further described below. All of the procedures set forth in the May 2007 Cleaning and Demolition Project Work Plan will apply to the revised scheduled activities. The following activities are scheduled to take place over the remainder of the calendar year 2007.

Thus far, Asarco has focused its cleaning and demolition activities towards management of asbestos containing material and universal wastes. We have essentially completed the majority of these tasks for all areas within the East Helena Plant. During the third week in August 2007, URS will be mobilizing to begin the Phase IV, Stage 1 cleaning and demolition, which is generally located within the former speiss-dross area. The cleaning and demolition within this area will involve razing the 1) contractor's lunchroom, 2) highline railroad, 3) storage garage, 4) former speiss-dross baghouse and 200 foot stack, 5) portions of the blast furnace building, 6) contractor's change room, 7) thaw house, 8) main office, 9) main natural gas valve house, and 10) charge building. URS will also be cleaning the interior of the blast furnace, sinter plant, and acid plant stacks. Depending upon our ability to complete these scheduled activities and favorable autumn weather conditions, Asarco may elect to clean and demolish additional structures. We will keep the Department advised should this additional work be scheduled. We will store the waste materials generated from the

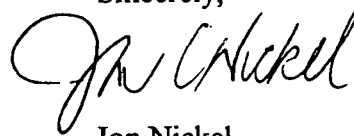
above-described cleaning project within on-site containment buildings until it can be placed in the CAMU Phase 2 cell. The above-described areas have been selected for immediate cleaning and demolition so that they can be cleared in preparation for construction of the speiss-dross plant slurry wall.

On August 6, 2007, Asarco received EPA's two letter that provided the Department's guidance on the management of excess soils generated from the speiss-dross slurry wall project and EPA's approval of the Design Plan. Asarco conducted a pre-bid conference and site walk-through the first week of August 2007. We will provide a notice of intent to the selected contractor the first week of September 2007 and begin construction by the middle of September 2007.

Asarco will continue to keep the Department updated on the status of the cleaning and demolition project through the reporting requirements set forth in the May 2007 Work Plan, with the next quarterly progress report submitted to the Department no later than October 31, 2007.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Nickel". The signature is fluid and cursive, with the first name "Jon" and last name "Nickel" clearly distinguishable.

Jon Nickel

Cc: Linda Jacobson, RCRA Project Manager
Chuck Figur
Iver Johnson
Denise Kirkpatrick
Keith Christie